HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.16901 of 2006

Dt.11-8-2006

Between:

Smt.N.Mahalakshmi Bhaskari,
W/o.Subbarayudu, House wife,
Hindu, 2nd lane, Krishna Nagar,
D.No.3-29-43, Guntur,
Guntur District. .. Petitioner

And

1. The Vijayawada, Guntur, Tenali,
   Mangalagiri Urban Development
   Authority, rep.by its Vice Chairman,
   Guntur, Guntur District.
2. The Guntur Municipal Corporation,
   rep. by its Commissioner,
   Guntur, Guntur District. ..
Respondents

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ORDER:

Heard the Counsel.

The Writ Petition is filed for a writ of mandamus declaring the action of the respondents in interfering with the construction of the petitioner's house at 2nd lane, Krishna Nagar in D.No.3-29-43, Guntur and the proposed action of the respondents for initiating steps for demolition of the construction made without following any due process of law as highly arbitrary, unjust abuse of power and in violation of principles of natural justice and for a consequential direction to the respondents not to proceed with the proposed demolition of the house without following the due process of law and to pass such other suitable orders.

It is stated that the petitioner purchased house property of an extent of 540 sq. yards at 2nd lane, Krishna Nagar, D.No.3-29-43, Guntur from Smt.Dronavalli Swarna of

Guntur by a registered sale deed No.3332, dated 27-2-2004 and since then the petitioner is in continuous possession and enjoyment of the said property. It is stated that the petitioner with an intention to construct a house approached the respondents for grant of permission duly submitting all the relevant documents. The permission was granted in D.DS.E1/78/06, dated 27-3-2006 and in B.P.No.40/2006. The petitioner constructed the house as per the sanctioned plan and preparing for plastering the walls and interiors are going to be erected. While the matters stood thus, the men of the 1st respondent objected for the construction orally stating that there are deviations and they are going to demolish the structure. Several other factual details also had been narrated. In such circumstances the petitioner approached this Court.

In the light of the facts and circumstances explained, it is needless to say that the respondents cannot proceed with the demolition activity unless and until they follow due process of law. In view of the same, the Writ Petition is disposed of with a direction to the respondents not to resort to any demolition activity relating to the subject matter of the Writ Petition until and unless the respondents follow the due process of law. No costs.

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Justice

P.S.Narayana

Date : 11-8-2006

AM